UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17,399

WILLIAM T. SPENCE, *Appellant*,

v.

BALOGH & COMPANY, INC., *Appellee*.

Appeal from the United States District Court for the District of Columbia

Decided April 25, 1963

Mr. Cornelius H. Doherty, with whom *Mr. Cornelius H. Doherty, Jr.* was on the brief, for appeallant.

Mr. Alan L. Wurtzel, with whom *Messrs. Harold P. Green* and *Daniel M. Singer* were on the brief, for appellee.

Before BAZELON, Chief Judge, and WASHINGTON and BURGER, Circuit Judges.

PER CURIAM: This is a suit brought by plaintiff-appellant to require delivery of certain shares of stock, or, alternatively, to recover money damages. The facts are set out in the opinion of District Judge Jones, filed July 26, 1962. —— F.Supp. ——.[1] For the reasons given in that opinion, the judgment of the District Court, dismissing the action on its merits after trial, will be

Affirmed.

[1] See also Spence v. Northern Virginia Doctors Hospital Corp., 202 Va. 478, 117 S.E. 2d 657 (1961).

Judgment

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia, and was argued by counsel.

On Consideration Whereof It is ordered and adjudged by this Court that the judgment of the District Court appealed from in this cause be, and it is hereby, affirmed.

It is further Ordered by the Court that appellee herein recover from appellant its taxable costs on this appeal, and have execution therefor.

Per Curiam.

Dated: April 25, 1963

Order

On consideration of appellant's petition for rehearing en banc, and it appearing that no opposition thereto has been filed, it is

Ordered by the court that the petition is hereby denied.

Per Curiam.

Dated: May 28, 1963